



A Historical Perspective on Home Education and Parental Rights in Nebraska

A historical perspective is necessary to have an appreciation for current home education liberty in Nebraska. Numerous families have worked many years at the state and national level to provide for quality, parent-directed education.

In the 1970s and 1980s, many Christian parents began finding issues within public schools to be detrimental to their children. As a result, some churches established schools, and some parents began homeschooling. In many cases, these church schools and homeschools were not approved by the Nebraska Department of Education (NDE). As a result, the children in these schools were considered truant.

Churches and families were prosecuted and persecuted under the compulsory attendance law. In many cases, the main issue was that the teachers, often college graduates, were not certified by the NDE. As a result, the school was not approved, and the student(s) attending them truant and in violation of the state compulsory attendance law. The prosecution resulted in pastors being jailed and/or fined hundreds of dollars per day; pastors, parents, and churches spending thousands of dollars in legal fees to defend themselves; parents sending their children out of state to avoid the state removing the children from their homes and placing the children in the foster care system; and families leaving the state to avoid prosecution.

During the period 1977 to 1983, the case that gained the most national notoriety involved a church and its school in Louisville, Nebraska. During the course of this lengthy prosecution, the church had its doors padlocked; church worshipers were dragged from a prayer meeting by law enforcement officers; the pastor was arrested and jailed on numerous occasions, serving a total of 157 days behind bars; and many mothers and students were forced to flee from the state in order to avoid arrest. In November 1983, seven of the fathers were imprisoned. One father served 44 days in jail, and six served 93 days in jail. Several of them lost their jobs as a result.

In December 1983, Governor Robert Kerrey created a panel of legal scholars to study the Christian school issue. The panel declared in 1984: "Nebraska teacher certification procedures, as presently defined, violate the First Amendment free exercise of religion rights of Christian schools."

After significant conflict and amendments, LB 928 was passed by the Legislature in 1984 to attempt to end the church school conflict. LB 928, although flawed, recognized the rights of parents to send their children to private schools, including homeschools, that are not approved or accredited due to the sincerely held religious beliefs of the parents. The NDE was responsible for developing proposed regulations implementing LB 928. Governor Kerrey made it clear during the hearing process that he wanted peace and that the adversarial role with Christian schools should end. Governor Kerry also indicated it was embarrassing for the state to be putting people in jail for their religious beliefs. On August 16, 1984, the State Board of Education approved the least restrictive option, Rule 13, of the proposed regulations developed by the NDE.

It was during 1986 and early 1987 that the organization, now known as the Nebraska Christian Home Educators Association (NCHEA) was formed. The NCHEA has actively monitored the state legislative process since 1987 to insure that the rights of parents to homeschool are not restricted. The NCHEA testifies before Legislative hearings on bills that could impact the ability to homeschool. The NCHEA works with senators regarding proposed legislation that might impact homeschooling or parental rights.

In 1987, LB 632 was introduced in the Nebraska Legislature to repeal the provision of LB 928; however, response by homeschooling families in their attendance at the hearing on LB 632 resulted in it not being advanced by the Education Committee. Also in 1987, the NDE was considering establishing home visits; however, an Attorney General opinion essentially prevented its implementation.

In 1999, the Legislature without opposition approved legislation that permits parents to homeschool for non-religious reasons by declaring that “the requirements for school approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board of Education interfere with the decisions in directing my child’s education”. The NDE developed and the State Board of Education subsequently adopted Rule 12 to implement the changes in law to permit homeschooling for non-religious reasons. On May 21, 2016, Rule 13 was changed to the current version which includes both homeschooling for religious reasons and for other than religious reasons, and Rule 12 was repealed.

In 2008, LB 1141 was sponsored by Senator DiAnna Schimek (wife of Nebraska State Education Association lobbyist, Herb Schimek). This bill was an attempt to remove nearly all of the home and church school freedoms gained in 1984. It insisted that Christian parents’ God-given duty be subservient to the approval or disapproval of the state. It also would have provided for major ongoing interference by the state. The NCHEA directed a coordinated effort by its membership in opposition to this bill. Senators were inundated with letters, visits, and phone calls. In addition, the NCHEA coordinated the testimony given at the hearing for LB 1141. The attendance of 1,300 people at this hearing was the largest in state history. The hearing proved to be a very powerful rebuttal to the concepts and provisions in Senator Schimek’s bill, and it failed to be voted out of committee. Even Senator Schimek admitted during the hearing, “I knew from the beginning that the homeschoolers were very well organized, and they didn’t disappoint.” The NCHEA is grateful to God for blessing the actions of the NCHEA leadership and membership in opposing LB1141.

Over the years, there has also been many legislative bills introduced that would have impacted the right of parents to control or direct the home education of their children in various ways, e.g., expanding compulsory attendance ages. The NCHEA has actively responded to these as well.

Since 1986, the NCHEA has worked and plans to continue to work with local, state, and national policy makers to protect the right of families to homeschool in Nebraska.

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